and second because it seems unjust that a defendant be put to the expense of answering to a summons in a place that may be at a great distance from his domicile. It is to be noted, however, that in some of the states where there is a constitutional right to have the cause brought in the jurisdiction of the defendant, it is held that he must appear and claim his privilege or be deemed to have waived it.

MASTER AND SERVANT—INJURY TO SERVANT—COURSE OF EMPLOYMENT.—TERLECKI V. STRAUSS ET AL., 89 *A9.* (N. J.) 1023.—A factory employee quit work at her machine shortly before noon, and was, in accordance with the custom, combing particles of wool out of her hair preparatory to going home, at a point away from her machine, when her hair was caught in other machinery and she was injured. *Held,* that the accident arose out of and in the course of her employment.

Where a teamster by reason of loss of memory caused by a personal injury received about five years before in the same employment, wandered about and fell into a swamp, where he remained all night, and died from pneumonia brought on by exposure, his death did not arise out of, and in the course of his employment. *Milliken v. A. Towle & Co.,* 103 N. E. (Mass.) 898. Where an employee going to his work was injured because of the slippery condition of the floor, it was held the employer was not liable. *Tollman v. Chippewa Sugar Co.,* 143 N. W. (Wis.) 1054. Where the employer invited his employees to lunch during working hours, and one of the employees was fatally injured by the rope breaking on which he was descending, though a flight of stairs was the usual and safe means of descending, it was held he was injured while in the course of his employment. McAlvey, J., *dissenting. Clem v. Chalmers Motor Co.,* 144 N. W. (Mich.) 848. An injury inflicted by an obviously intoxicated fellow workman whose quarrelsome and dangerous disposition was well known to the employer, arose out of and in the course of his employment. *In re Employer's Liability Assur. Corp.,* 102 N. E. (Mass.) 697. So also are injuries received from a cat habitually kept in the place of employment. *Rowland v. Wright,* (1908) 1 K. B. 963. Where an employee was discharged on Wednesday and returned to the mill on Friday for her wages, and on going down the stairs from the mill was injured, it was held that the accident arose out of and in the course of her employment. Buckley, L. J., *dissenting. Riley v. William Holland & Sons, Ltd.,* 1 K. B. (1911) 1029. It appears from the above decisions that the holding of the principal case follows the general tendency of the courts and is in accord with the weight of authority.

SEDUCTION—DEFENSE—MARRIAGE OF FEMALE.—MORRIS V. STATE, 81 S. E. 257 (GA.)—*Held,* that the mere fact that a female alleged to have been seduced has subsequently contracted marriage with another than the alleged seducer does not afford a good defense to an indictment which charges the offense of seduction.

That a prosecution for seduction is barred by the subsequent marriage of the female to the seducer is familiar law. *Henneger v. Lomas,* 145 Ind. 287; 32 L. R. A. 848. But in some jurisdictions it only serves to suspend

the prosecution. *Burnett v. State,* 72 Ark. 398. While in a very few jurisdictions it is no bar at all. *Re Lewis,* 67 Kan. 562. But where she marries a third party it will not bar a civil action against her seducer for damages. *Dowling v. Crapo,* 65 Ind. 209.

The question whether marriage to a third party will bar the criminal prosecution of the seducer is one upon which there seems to be no authority either in text books or cases. The provision which allows a seducer to repair in some degree the injury he has caused, by marriage to the injured female, is an anomaly and is only justified upon the ground that it is in the interest of the woman and the possible offspring. It is not a principle of mercy to the accused or condonation of his offense, and where the cause that induced the formation of the rule is removed there can be no reason why the offender should not suffer as if there had been no marriage on the part of the female at all.

WILLS—CONSTRUCTION—ESTATES DEVISED.—CASHMAN V. ROSS, 145 N. W. (WIS.) 199.—Where a testator devised his real and personal property to his wife for life, the same to be equally divided between his children at her death, the children did not take vested interests, and the legacy of the female child who died before the wife, lapsed, and her husband, though her heir, had no interest in the property. Timlin, J., *dissenting.*

A bequest to the wife of real and personal property "during life and at her decease to be left to my son" vests immediately in the son as an executory devise. *Farley v. Gilman,* 12 Ala. 141. A will giving a sum of money to *B* in trust, the interest to be paid to *B* for life, and at her death the sum to be divided among her children, vested in the children a right to the legacy upon her death. *In re Vreeland's Estate,* 66 N. J. Eq. 297. Under a devise to *A* for life, remainder to his widow for life or during widowhood, then to pay the same to the issue of *A,* the issue living at the death of *A* take a vested estate with right of possession postponed. *Gray v. Whittemore,* 192 Mass. 367. Where language used by the testator is of doubtful import, remainders will preferably be regarded as vested unless a contrary intention is to be gathered from the will. *Minot v. Purington,* 190 Mass. 336. The construction of the will adopted in the principal case does not appear to be in accord with the weight of authority.